UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,348	05/05/2006	Katsuhiro Sugiyama	09812.0079	5177

22852 7590 06/23/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
FANG, PAKEE	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,348	SUGIYAMA ET AL.	
	Examiner	Art Unit	
	PAKEE FANG	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 May 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 03/03/2009 has been entered and considered by examiner. Claims 1-9 are presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the application filed on 04/20/2006.

Drawings

3. Figure 1 - 2 should be designated by a legend such as --Prior Art--; even through, the current invention Figs 3-4 refers back to Figs. 1-2, because both figures are used as examples to illustrate "background art". See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 -9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita (20040130576) in view of Fang (20060132326).

In regard to claim 1, Fujita discloses (Figs. 2, 6, and 7) an information processing apparatus (70) for performing a predetermined process (image process) in accordance with a user (user) operation on a touch panel (touch screen) overlaid on a display (50) [0026-0027), the apparatus comprising:

detecting means (50) for detecting a change in an aspect ratio of images to be displayed in the display [0054 – 0056];

changing means (60) for changing a size of operation buttons button (51) displayed superimposed on the images [0031, and 0042 -0043] (Figs. 6 and 7 show the size of the buttons are changed from a wide view to a narrow view) and a size (portion) of a sensitive area (51) of the touch panel where user operations of the operation buttons are recognized (51 is a sensitive area where user can select different operations from the buttons), in accordance with the detection by the detecting means (Fig. 3 or [0036-0040]);

determining means (60) for determining an operation button (select button) that

corresponds to the user operation on the touch panel [0056 & 0063]; and

generating means (40) for generating a command (instruction) to perform the predetermined process (image process) in accordance with the determination by the determining means (60) [0062-0065], wherein

when the operation button (51) is continuously operated before and after the detection of the change in aspect ratio (Figs. 6, and 7, or 9 and 10B show 51 operates continuously before and after the adjustment of the aspect ration) and the predetermined process (image process) is a continuous process (the image is continuous, thus the image process is a continuous process), the generating means (40) generates a command (instruction) to perform the predetermined process while the operation button is operated (Fig. 9 shows 40 generates instructions to perform the image process while 51 is stilling operating) [0062-0065], regardless of another operation button (Fig. 9 shows a new 51) operated after the detection of the change in aspect ratio (The new 51 is operating after the change of the ratio of the screen). Fujita does not explicitly teach operating the volume buttons after the change of aspect ratio would not affect the image processing initiated by the other button, but it would have been obvious to one of ordinary skilled in the art that using the volume buttons would not affect the continuous operations initiated by previous selected buttons (for example, the volume buttons would not affect the continuous the operating function of rewinding).

Furthermore, Examine cited the reference of Fang (Fig. 5) to teach a continuous image process initiated by the TV button on the touch screen would allow to the user to use the volume button to change the volume without affecting the continuous process [0006], and also Fang discloses if a user selected a mode of operation by pressing the

"Note" button, all buttons (505) pressed thereafter would be null [0031]. Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention was made to combine touch screen operation of Fujita with the operation perform by the touch screen of Fang to improve the efficiency and controlling of the universal remote control/touch screen [Fang, 0013].

In regard to claim 2, this claim differs from claim 1 in that the limitation "detecting", "changing", "determining" and "generating" are additionally recited instead of "detecting means", "changing means" and "generating means" as recited by claim 1. Claim 2 is rejected base on the same rationale as claim 1.

In regard to claim 3, this claim differs from claim 2 in that the limitation "a computer-readable medium", and "a processor" are additionally recited.

Fujita discloses (Fig. 2) a computer-readable medium (memory) storing program instructions (data or signals), which, when executed by a processor (controller or processor) [0029 and 0032] cause the processor to perform a method for performing a predetermined process (Fig. 3 shows the processor is performing the process). All identical limitations are rejected base on the same rationale as claim 2.

In regard to claim 4, this claim differs from claim 1 in that the limitation "the generating means generates a command to stop" are additionally recited.

Fujita discloses (Figs. 2 and 10B) the generating means (40) can generates a command (instruction) to stop (pause) the predetermined process (image process) that is

being executed, the predetermined process (image process) corresponding to the operation button (51) operated before the detection of the change in aspect ratio [0048 - 0049] (Fig. 9 shows the image process corresponding to the button operated before the change in aspect ratio). Fujita does not explicitly teach operating the pause button can control the controller 40 to generate a signal to stop the image process. However, one of ordinary skilled in the art would know by using the pause button can control the controller to generate instructions to stop the image process.

Furthermore, Fang discloses (Figs. 4 and 5) a power button that can control the circuitry to generate an off/stop command to terminate all process including the image process of the device. Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention was made to combine touch screen operation of Fujita with the operation perform by the touch screen of Fang to improve the efficiency and controlling of the universal remote control/touch screen [Fang, 0013].
All identical limitations are rejected base on the same rationale as claim 1.

In regard to claim 5, this claim differs from claim 4 in that the limitation "detecting", "changing", "determining" and "generating" are additionally recited instead of "detecting means", "changing means" and "generating means" as recited by claim 4. Claim 5 is rejected base on the same rationale as claim 4.

In regard to claim 6, this claim differs from claim 4 in that the limitation "a computer-readable medium", and "a processor" are additionally recited.

Fujita discloses (Fig. 2) a computer-readable medium (memory) storing program instructions (data or signals), which, when executed by a processor (controller or processor) [0029 and 0032] cause the processor to perform a method for performing a predetermined process (Fig. 3 shows the processor is performing the process). All identical limitations are rejected base on the same rationale as claim 4.

In regard to claims 7 - 9, Fujita discloses (Fig. 2) wherein the continuous process (image process) comprises at least one of rewind and fast forward [0049].

Response to Arguments

6. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference Fang has been used for new ground of rejections.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAKEE FANG whose telephone number is (571)270-7219. The examiner can normally be reached on Mon-Friday 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAKEE FANG/
Examiner, Art Unit 2629

/Chanh Nguyen/
Supervisory Patent Examiner, Art Unit